



County of Fairfax, Virginia

MEMORANDUM

TO: Board of Supervisors

SUBJECT: Summary Notes from the **September 13, 2016**, Development Process Committee Meeting

DATE: October 5, 2016

The following Board Members attended the meeting: Development Process Committee Chair Kathy L. Smith, Sully District; Chair of Board of Supervisors Sharon Bulova; Supervisor John C. Cook, Braddock District; Supervisor John W. Foust, Dranesville District; Supervisor Catherine M. Hudgins, Hunter Mill District; Supervisor Jeffrey C. McKay, Lee District; Supervisor Penny Gross, Mason District; Supervisor Daniel G. Storck, Mount Vernon District; Supervisor Linda Q. Smyth, Providence District; and Supervisor Pat Herrity, Springfield District.

The following is a summary of the highlights of the discussion at the September 13, 2016, meeting.

Posting Signs on Infill Lots:

Bill Hicks, Director, Land Development Services (LDS), presented options for implementation of Va. Code §15.2-961.2. The newly adopted legislation allows the County to amend the Tree Conservation Ordinance to allow the County to post signs on a private lot when an infill lot grading plan has been submitted to the County for review. However, the legislation also specifically states that the County could not require the applicant be responsible for posting the sign, and the submitted plan could not be disapproved for failure to post a sign.

Mr. Hicks provided information regarding the type and number of plans that may be subject to posting, and described considerations related to implementation. Posting sites will raise awareness of potential construction and emphasize an opportunity for community input, but will increase resources needed for implementation, and could also potentially mislead the community regarding the scope of involvement, i.e., not a public hearing. Also, these signs would not include projects with less than 2500 square feet, e.g., building permits.

Based on current plan submissions, it is estimated that approximately 1000 signs would be posted. Due to the nature and target review time of these plans, the sign would have posted quickly to provide as much time as possible before action on the plan is taken. Therefore a new

dedicated staff and vehicle, with tools and equipment, would be required in order to cover the entire county. In addition, although it is difficult to estimate the increase in requests for staff to provide copies of plans, meet with neighbors, and evaluate and responds to their comments, it is assumed that there will be a substantive increase in administrative and review staff time. The initial fiscal impact is estimated at approximately \$250,000 to \$300,000.

Discussion ensued, regarding the overall estimated costs, the types of signs, the staff and resources needed, and the potential expectations of the community generated from the posting of a sign by the County. The Committee expressed concerns that the content, even the color (i.e., yellow), of the sign may incorrectly lead neighbors to believe that the site is subject to a public hearing. In addition, other ways to notify the community were discussed, such as mailing letters, e-mail notifications, and/or web-based technologies. The consensus of the committee was to implement the notification for staff to proceed with developing the type and text of the proposed sign, revised cost estimates, the amendments necessary for implementation, and return to the Committee for further discussion prior to authorization for advertising the public hearings on the proposed amendment.

Zoning Ordinance Amendments:

Committee Chair Supervisor Smith invited State Senator George Barker and State Delegate Tim Hugo to provide information on the history and background of the state legislation related to Farm wineries, breweries and distilleries. Senator Barker and Delegate Hugo described the history of the various legislation. The bills were introduced in response to constituents, but all were intended to apply only to agriculturally zoned properties. Brief discussion ensued regarding the exemption for agricultural structures from building and fire codes.

Leslie Johnson, Zoning Administrator, provided an update on the status of proposed Zoning Ordinance Amendments from the 2016 Work Program, including Farm Breweries, Wineries and Distilleries in the Residential Conservation (R-C) District; Food and Beverage Production and Processing Establishments (e.g., Craft Beverage); Riding and Boarding Stables; and Commercial Vehicles. These amendments are on track to be brought forward to the Board for authorization by the end of the year.

The Farm Breweries, Wineries and Distilleries in the R-C District item is in response to an amendment the Code of Virginia which became effective July 1, 2016, which prohibits any new winery/brewery/distillery on a farm that is zoned R-C, but existing establishments may expand with Special Exception (SE) approval. The proposed Zoning Ordinance amendment would establish definitions, provisions, limitations, and standards for such SE applications.

The Food and Beverage Production and Processing Establishments (Craft Beverage) amendment would create a definition of Craft Beverage Production Establishment based, in part, on production quantities, and permit such establishments in certain Commercial, Industrial, and Planned Districts, subject to use limitations related to on-site food preparation, parking, retail sales, and outdoor storage. The amendment would also add Food and Beverage Manufacturing as a by-right use i.e., without SE approval, in the I-4 district. Discussion ensued regarding allowing larger scale food and beverage production facilities in the I-4 District on parcels that may be adjacent to residential developments without Board review and approval, balanced with the desire to allow for diversification and growth of industrial uses in the County.

The Riding and Boarding Stables amendment proposes to modify the definition of riding and boarding stable to increase the number of horses that could be boarded by-right, and permit the teaching of riding lessons as a home occupation, subject to limitations related to hours of operation, number of employees, use of only on-site horses, lighting and soil and water conservation plan approval. There was a suggestion that the number of horses that can be boarded by-right be increased up to 8 on lots that are greater than 5 acres in size. There was also a question posed as to whether horses can be ridden on VDOT Right-of-Way (ROW) including both streets and on sidewalks/trails. Staff will research that question and get back to the Board. Staff has and will continue to conduct outreach on the proposed amendment with both community and equestrian stakeholders.

The Commercial Vehicles in Residential Districts amendment would clarify the definition of Commercial Vehicle to include vehicles which exhibit indicators that the vehicle is designed and used for commercial purposes or which is licensed as a “for hire” vehicle, but exclude passenger vehicles used primarily for non-commercial purposes. The amendment would also broaden the list of prohibited commercial vehicles on residential lots based on size, freight in plain view, and equipment trailers, and all tow trucks, regardless of size. Brief discussion ensued regarding: 1) whether the proposed amendment was fully consistent with Chapter 82 of the County Code with regard to the prohibitions of parking such vehicles within the ROW; 2) the meaning of “carrying freight in plain view” and whether covering the freight with a tarp or other covering would still be considered in plain view with respect to enforcement; 3) whether someone could park a fleet of taxis on the street under Chapter 82; and 4) whether there were any time restrictions regarding parking of commercial vehicles in Chapter 82 or the Zoning Ordinance. Staff will research these issues and will address as part of the staff comment and/or proposed text.

Fairfax First Status Update:

James Patteson, Director, Department of Public Works and Environmental Services, presented a brief update of the Fairfax First Blog, including communication, outreach and customer service efforts. Staff will continue to work implementation of the tactical recommendations to improve the regulatory and process improvements, and return for further updates at a future Development Process Committee meeting.

The Fairfax County Board of Supervisors' next Development Process Committee meeting will be on October 11, 2016, at 3:00 p.m. at the Fairfax County Government Center, Conference Rooms 9 & 10.